

USA – STUN WEAPONS IN LAW ENFORCEMENT

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Tasers are dart-firing electro-shock projectile weapons which can also be used close-up as stun guns (drive-stun mode where the Taser is pushed against the subject and activated, causing localized pain around the immediate area).

Tasers are among a class of weapon commonly described as conducted energy devices (CEDs). They work by delivering a high voltage, low current, electrical charge designed to disrupt the central nervous system and cause uncontrolled muscle contractions, temporarily incapacitating the subject.

In this document, use of the word Taser refers to one or more of the weapons produced by TASER International under the TASER® trademark. Other CED technology is also on the market, including products under the STINGER® trademark. The concerns documented in this document apply to all such weapons.

More than 330 people are reported to have died since 2001 after being struck by police Tasers in the USA. In most cases, coroners have attributed the deaths to other causes, such as drug intoxication or poor health. However, in more than 40 cases they have listed the Taser as a cause or contributory factor.

Amnesty International is concerned that Tasers and similar devices are potentially lethal, especially when used on vulnerable people, such as those with heart disease or those under the influence of stimulant drugs. However, apparently healthy people with no drugs in their system have also died after being shocked.

More than 11,000 law enforcement agencies in the USA are reported to be deploying Tasers and other CEDs. These stun weapons have been widely deployed before rigorous, independent studies into their safety and potential health risks have been completed and the results made known. In particular, more research needs to be done into the effects of such devices on people under the influence of drugs or in poor health.

In many cases, those who died had been subjected to multiple or prolonged shocks, often lasting far longer than the standard five-second cycle.



This summary is based on *“Less than lethal”? – The use of stun weapons in US law enforcement* (Index AMR 51/010/2008) published by Amnesty International in December 2008. The report is available from www.amnesty.org.



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Students outside the University of California protest at the use of a Taser against a fellow student by members of the Los Angeles Police Department, November 2006. The student was reportedly shocked several times after he refused to show his ID card at a campus library.

In most fatal cases, the victims are reported to have gone into cardio-respiratory arrest shortly after being shocked. Some died at the scene; others were pronounced dead later in hospital after failing to regain consciousness.

Sometimes Tasers are used in combination with other forms of restraint such as hogtying (binding someone's wrists and ankles together behind them), chokeholds (pressure to the neck), pressure to the diaphragm, and pepper spray (which affects the respiratory system). These impair breathing and restrict the flow of blood to the brain, creating a risk of death from asphyxia.

Jarrel Gray, a 20-year-old unarmed African American man, died in November 2007. He had been shocked twice in the chest with a Taser by a sheriff's deputy from Frederick County, Maryland.

Deputies ordered Jarrel Gray and several other men to stop fighting in the street, to show their hands and to lie on the ground. According to the police account, Jarrel Gray was shocked when he refused to obey the command and turned away with his hands in his pockets. The police investigation report stated that, after he was shocked, "Gray's hands dislodged from his pants as he fell, but he landed face-down with his hands still out of sight beneath him".

Despite being immobilized from the first shock, he was shocked a second time for remaining "non-compliant" with the order to show his hands. Deputies pulled his hands out from under him to cuff him, and found him to be in medical distress.

He failed to regain consciousness and was pronounced dead in hospital two hours later. The

medical examiner listed the death as a sudden death associated with restraint (reportedly including the Taser) and alcohol intoxication, and recorded the manner of death as "undetermined".

Jarrel Gray's friends said that he had been drinking and was partially deaf and may not have heard the police commands.

In May 2008 a grand jury ruled that the officer was justified in using his Taser to subdue Jarrel Gray because he did not obey the orders to show his hands.



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In addition to concerns about their safety, Tasers and similar devices are also open to abuse.

Many law enforcement agencies use them to subdue non-compliant or disturbed individuals who do not pose a significant threat. For example, Tasers have been used on schoolchildren, pregnant women, people who are mentally ill or intoxicated, elderly people with dementia, and individuals suffering from the effects of medical conditions such as epileptic seizures.

Tasers are frequently deployed in situations where firearms or other weapons would not be an option. For example, police have used Tasers on unarmed people who fail to comply immediately with instructions, who struggle while they are being handcuffed or who try to run or walk away from minor incidents. People who are intoxicated or verbally disruptive, but not committing, or threatening to commit, a serious crime have also had Tasers used against them.

Even in such cases where individuals posed no serious threat at the time they were shocked, inquiries have often found that the officers were not violating their department's policies. This raises serious concerns about US policies and standards on the use of such weapons.

There are no binding national standards on the use of electro-shock weapons policies in recent years, most continue to place CEDs, including Tasers, well below the level at which officers would be authorized to use lethal force.

The National Institute of Justice, which is the research, development, and evaluation

A suspect lies on the ground after being Tasered by a police officer, following a chase along a California beach, April 2008.







© AP/PA Photo/Independent Florida Alligator, Andrew Stanfill

agency of the US Department of Justice, has been reviewing deaths following the use of CEDs with a view to publishing a final report in 2009. It published an interim report in June 2008 which underscores many of the safety concerns raised by Amnesty International. However, Amnesty International believes that the Institute should examine broader issues relating to the safety of CEDs and their potential for misuse.

The use of electro-shock weapons in the kind of situations described is inconsistent with international standards that require police to use force only as a last resort, in proportion to the threat posed and in

a manner designed to minimize pain or injury. In a number of instances police actions appear to amount to torture or other cruel, inhuman or degrading treatment, which are prohibited in international law.

Amnesty International understands that all weapons carry some risk of injury or death. The development of non-lethal or “less-lethal” forms of force can help reduce the risk of death or injury inherent in police use of firearms or other impact weapons such as batons. However, no death should occur from unnecessary levels of police use of force, or from weapons which are not thoroughly tested or controlled.

Andrew Meyer, a 21-year-old student at the University of Florida after being shocked by campus police in September 2007. He was shocked after police attempted to remove him from a hall where he had repeatedly attempted to question Senator John Kerry. Video footage shows Andrew Meyer being shocked as he lay on the ground. An investigation by a state law enforcement agency held that the police had acted appropriately because Andrew Meyer had resisted orders to leave the hall. The campus Taser policy was later changed to bar use of CEDs against “passive physical resistance” or “as a response to verbal dialogue”, but it remained legal in cases such as that of Andrew Meyer where an individual is deemed to be “physically resisting”.

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21-year-old Baron Pikes died in January 2008 after being shocked nine times by a police officer in Winnfield, Louisiana.

According to reports, Baron Pikes started to run away after the officer spotted him walking down the street and tried to arrest him on an outstanding warrant for possessing drugs. He was quickly apprehended and handcuffed behind his back as he lay on the ground.

The officer shocked Baron Pikes six times when he failed to obey his command to get up off the ground and walk to the police car. Baron Pikes was then drive-stunned in the chest while in the police car and shocked two more times as he was pulled from the car. Dr Randolph Williams, the Winn County Coroner, said that it was possible that Baron Pikes was already dead when the last two shocks were applied, as it was noted that he did not show any movement after the drive-stun to his chest.

According to press reports, the autopsy report listed the cause of death as “cardiac arrest following nine 50,000-volt electro-shock applications from a conductive electrical weapon”, and gave the manner of death as

‘This case may be the most unnecessary death I have ever had to investigate’

Dr Randolph Williams, Winn County Coroner on the inquest into Baron Pikes' death

homicide. Dr Williams stated that Baron Pikes was a healthy adult and that there was no sign of recent drug use. Dr Williams obtained opinions from two independent forensic experts before reaching his conclusions, including Dr Michael Baden, Chief Medical Examiner of New York City, who reportedly described what was done to Baron Pikes as “tantamount to torture”.

In August 2008 the officer in the case, who is white, was charged with manslaughter and “malfeasance while on duty”; his trial was pending at the time of writing. Reports revealed that 12 of the 14 people against whom Winnfield police officers had used Tasers since they were adopted by the police department were black.

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Keith Graff, a 24-year-old unarmed man, died in Phoenix, Arizona, in May 2005 after being shocked with a police Taser as he lay on the ground. An investigation revealed that he had been shocked at close range on his bare chest for 84 uninterrupted seconds after he tried to leave an apartment while being questioned by police.

The medical examiner ruled that he died from “excited delirium”, a term often used to describe someone in a drug-induced psychosis or highly agitated state. However, Keith Graff had relatively low levels of drugs in his system and did not appear from the reported history to have been in a psychotic or agitated state.

The lawyer for the family informed Amnesty International that Keith Graff's blood acid levels were very high. This suggests that, if the shocks did not trigger a fatal disturbance of the heart rhythm, he may have died as a result of metabolic acidosis caused by his body being “locked down” by the extensive contraction of the muscles through the Taser shock.

The City of Phoenix settled a lawsuit brought in connection with the death of Keith Graff for US\$2million.

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19-year-old Tyler Marshall Shaw died on 25 November 2005 after being repeatedly shocked with four Tasers in Asotin Jail, Washington. Many of the shocks were delivered

simultaneously while he was lying naked and handcuffed on the floor.

Tyler Shaw, who had a history of mental illness, became disturbed while in jail. Officers were called to remove him from his isolation cell because he was screaming and pounding on his cell door. Four officers fired their Tasers at him and struck him with batons, during the course of bringing him under control. He was subjected to repeated cycles of Taser shocks while the probes were attached, some delivered while he was lying naked on the jail floor as officers tried to handcuff him. He was then lifted up and strapped into a restraint chair, after which he was found to have no pulse. Jail officers later told investigators that Tyler Shaw had stopped resisting before being strapped into the chair but they thought he was faking sleep or unconsciousness. Emergency CPR (cardiopulmonary resuscitation) was unsuccessful and he was pronounced dead at the scene.

Cover image: UK demonstration of the US-made M26 Taser.

Officers had used Tasers and pepper spray against Tyler Shaw for his disturbed behaviour the day before he died. His family have expressed concern that he did not receive appropriate medical care for his mental health problems.

The autopsy report noted that the Tasers were used over approximately four minutes, with continuous or back-to-back firing cycles: total firing times from the four devices were, respectively, 32 seconds, 22 seconds, 45 seconds and 10 seconds. The cause of death was given as an "arrhythmia following multiple blunt force injuries and use of electro-muscular incapacitation devices during a state of excited delirium"; the manner of death was recorded as an accident.

At the time of writing, no officers had been criminally charged in the case and a lawsuit against the county filed by the family was pending.

TAKE ACTION NOW!

Please write to the Director of the National Institute of Justice.

- Welcome the review that a panel of experts has been carrying out since June 2006 into deaths following the use of CEDs and the publication of its interim report in June 2008.
- Urge him to instruct this or a new panel to examine broader human rights issues relating to the use of CEDs, including the potential for abuse that CEDs represent as they are sometimes deployed to subdue non-compliant or disturbed individuals who do not pose a significant threat.
- Call on him to instruct the panel to take into account Amnesty International's recommendations as set out in "*Less than*

lethal"? – *The use of stun weapons in US law enforcement* (Index: AMR 51/010/2008).

- Call on him to issue comprehensive regulations and guidelines on the use of CEDs in the USA.

Please send appeals to:

David W. Hagy
Director, National Institute of Justice
810 Seventh St., NW
Washington, DC 20531, USA
Fax: (+1) 202-307-6394
Email via website: <http://nij.ncjrs.gov/asknij>
Salutation: Dear Mr Hagy

If you are in the USA and CEDs have been deployed in your area, please also write to your local police authorities.

- Express concern at the fact that coroners' inquests into more than 40 deaths following

the use of CEDs have listed the shocks as a cause or contributory factor in the deaths.

- Urge the police authorities to suspend the use of CEDs pending further research or to limit their use to situations where officers would otherwise be justified in resorting to deadly force and where no lesser alternatives are available.
- Call on the police authorities to put in place specific guidelines, training and accountability systems for CED use and to tighten the guidelines in order to limit the number and duration of shocks allowed.

■ Enclose a copy of Amnesty International's report "*Less than lethal*"? – *The use of stun weapons in US law enforcement*.

- Urge the authorities to take into account the recommendations contained in that report.

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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

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